

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11

~~SECRET~~ In re Patent Application of

Max Amon

Group Art Unit: 3663

Application No.: 09/116,809

Examiner: MARK HELLNER

Filed: August 7, 1998

Confirmation No.: 2977

For: DUAL INFRARED BAND
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REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT –

NO ABANDONMENT IN FACT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOV 21 2005

GROUP 3600

Sir:

On October 27, 2005, a Notice of Abandonment was issued in the above-captioned application suggesting that Applicant had failed to timely pay the required Issue Fee and Publication Fee within the statutory period of three months from the mailing date of the Notice of Allowance. This Fee, however, was paid. Specifically, a first Notice of Allowance was issued January 16, 2005. In response, a Request to Complete Notice of Allowance (to correct the spelling of the inventor's name) was filed January 21, 2005. The Issue Fee was subsequently paid on March 14, 2005. A postcard acknowledging receipt of the Issue Fee is attached.

Thereafter, in apparent response to the Request to Complete Notice of Allowance, a Corrected Notice of Allowance was issued on October 8, 2005. The Patent Office, however, apparently overlooked the fact that the Issue Fee had already been paid and, as a consequence, issued the Notice of Abandonment.

Insofar as the Issue Fee was paid in a timely fashion in response to the first Notice of Allowance and did not need to be repaid in connection with the Corrected

Notice of Allowance, Applicant respectfully submits that there has been no abandonment in fact. Accordingly, Applicant respectfully requests that the application be immediately passed to issuance.

If the Office determines there has been an abandonment in fact, Applicant respectfully requests that this paper be treated as a Petition for renewal of an unintentionally abandoned application under 37 C.F.R. § 1.137(b). To the degree deemed applicable, the entire delay in filing the required reply from the date for the reply until the filing of this Petition was unintentional.

Applicant further submits that no fee is owed by the filing of this Petition. However, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. § 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800 if any fees are deemed necessary.

Respectfully submitted,

BUCHANAN INGERSOLL PC

Date: November 10, 2005

By: 

Charles F. Wieland III
Registration No. 33,096

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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Issue Fee Postcard

SS

Inventor: Max AMON

Appln. No.: 09/116,809

Filing Date: August 7, 1998

Docket No.: 017750-378

Working Atty.: PCK/tls

Date: 3/14/05

Dkt. Clerk Initials



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|--|--|--|
| <input type="checkbox"/> Amendment/Reply Transmittal Letter | <input checked="" type="checkbox"/> Payment of Issue Fee and Authorization to Charge Deposit Account | <input type="checkbox"/> Check for \$ _____ is enclosed |
| <input type="checkbox"/> Amendment Under 37 C.F.R. 1.312 | <input type="checkbox"/> Payment of Issue and Publication Fees and Authorization to Charge Deposit Account | <input type="checkbox"/> Charge \$ _____ to Deposit Account |
| <input type="checkbox"/> Submission of Formal Drawings w/ _____ sheet(s) of drawings (Fig(s). 1- _____) | <input checked="" type="checkbox"/> Advance Order for <u>10</u> Patent Copies | <input checked="" type="checkbox"/> Charge \$ <u>1,430.00</u> to credit card. Form PTO-2038 is attached. |
| <input type="checkbox"/> Certificate of Correction (Form PTO-1050) | <input type="checkbox"/> "Fee Address" Indication Form (Form PTO/SB 47) | <input type="checkbox"/> Filed by Certificate of Mail |
| <input type="checkbox"/> Request for Certificate of Correction (Transmittal) | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Comments on Statement of Reasons for Allowance | <input type="checkbox"/> | <input type="checkbox"/> |

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